S A M P L E

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
_____WESTERN DIVISION

	)	
	)	
	)	Civil No. _____
	)	
Caption of Case	)	
	)	
	)	

FINAL PRETRIAL STATEMENT

A final pretrial conference was held on the _____ day of _____, 20__.

Appearing for the parties as counsel were: (List the counsel who will attend the final pretrial conference).

1. **Exhibit List:** A list of the exhibits to be offered by the parties is attached to this statement, including a "will offer" or "may offer" designation.

The list indicates which exhibits the parties stipulate be received in evidence and available for use at trial for all purposes (unless otherwise indicated below), and for which exhibits the parties (though not stipulating to admissibility) have agreed to waive foundation.

Plaintiff specifically objects to the following exhibits listed by defendant(s):

Exhibit No.	Ground(s) of Objection

Defendant specifically objects to the following exhibits listed by plaintiff(s):

Exhibit No.	Ground(s) of Objection

2. **Fact Witnesses:**

A. Plaintiffs -- All witnesses, other than experts, to be called to testify by plaintiff(s), except those who may be called for rebuttal purposes only, are: (Designate in manner set out below)

Name of Witness Address/Tel.No.	Will Call/ May Call	Indicate if by Written/Video Dep. or conf.

B. Defendants -- All witnesses, other than experts, to be called to testify by defendant(s), except those listed in the preceding paragraph as expected to be called by the plaintiff(s) and except those who may be called for rebuttal purposes only, are: (Designate in manner set out above)

(If there are other parties, a similar list is to be made for each.)

It is understood that, except upon a showing of good cause, no witness whose name and address does not appear herein shall be permitted to testify over objection for any purpose except rebuttal.

3. Expert Witnesses:

A. Plaintiff(s) -- The expert witnesses to be called by plaintiff(s) are: (Designate in manner set out below)

Name & Address	Field of Expertise	Issues	Indicate if by Written/Video Deposition or Videoconference

B. Defendant(s) -- The expert witnesses to be called by defendant(s) are: (Designate in manner set out above)

NOTE: Expert reports prepared in accordance with Rule 26(a)(2)(B) by those experts the parties anticipate calling as a witness at trial shall be submitted to the court as an attachment to the Final Pretrial Statement.

4. Depositions: Plaintiff hereby designates the following deposition testimony that will be offered at trial:

Name of Witness	Deposition pages & lines

Defendant hereby designates the following deposition testimony that will be offered at trial:

Name of Witness	Deposition pages & lines

5. **Discovery Materials:** All specific answers to written interrogatories or responses to requests for admissions which are expected to be offered in evidence by the plaintiff, except for impeachment or rebuttal purposes only, are: (Specifically designate answers to interrogatories and responses to requests for admissions by answer or response number).

All answers to written interrogatories or responses to requests for admissions which are expected to be offered in evidence by the defendant, except for impeachment or rebuttal purposes only, are: (Specifically designate in the manner set out above).

(If there are other parties, a designation should be made by each.)

(Discovery materials to be offered in evidence shall not be filed prior to commencement of trial. The clerk will file the materials as they are offered in evidence. At the conclusion of trial, discovery material which has been received in evidence may be withdrawn.)

6. **Uncontroverted Facts:** The parties agree that the following may be accepted as established facts for purposes of this case only:

7. **Issues to be Determined at Trial:** The issues remaining to be determined at trial are:

(separately & specifically list each genuinely controverted issue on the merits).

8. **Other Issues for the Court's Attention:** Other matters requiring the court's attention prior to or during trial are:

(List legal and procedural issues to which the court should be alerted).

9. The parties do/do not agree to waive exclusion of witnesses from the courtroom pending completion of their testimony.

10. **Length & type of trial:** Counsel estimate the trial will consume not less than

_____ day(s), nor more than _____ days.

Trial will be (jury/nonjury).

(Signatures of all counsel, signifying acceptance).

_____
Attorney for:

_____
Attorney for:

----------**(On Separate Page)**----------**(On Separate Page)**----------

ORDER

The foregoing Final Pretrial Statement is adopted as the order of the court with the following modifications:

Dated: _____

_____
Charles S. Miller, Jr.
United States Magistrate Judge